

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

THE DAILY WIRE, LLC *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT  
OF STATE *et al.*,

Defendants.

Civil Action No. 6:23-cv-00609 (JDK)

**DEFENDANTS' UNOPPOSED MOTION TO EXTEND  
DOCUMENT PRODUCTION DEADLINE AND RELATED DEADLINES**

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Principal Deputy Assistant Attorney General

JOSHUA E. GARDNER  
Special Counsel  
Federal Programs Branch

JOSEPH E. BORSON  
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/s/ Joshua M. Kolsky  
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Trial Attorneys  
U.S. Department of Justice  
Civil Division, Federal Programs Branch

Pursuant to Federal Rule of Civil Procedure 6(b)(1), Defendants respectfully seek a 21-day extension of the deadline to complete their expedited document productions, and to extend related deadlines accordingly. Plaintiffs do not oppose this request. For the reasons stated below, good cause supports this request.

1. Defendants' deadline to produce all documents and privilege logs in response to Plaintiffs' expedited requests for production is September 30, 2024. ECF No. 62, at 2. Defendants respectfully seek a 21-day extension so that the new deadline is October 21, 2024.

2. Defendants also seek an extension of three other related deadlines. The deadline for Plaintiffs to provide Defendants any notice of intent to seek depositions or additional third-party subpoenas for Plaintiffs' preliminary injunction motion is October 10, 2024. The deadline to file any motions concerning Plaintiffs' notice of intent is October 17, 2024. The deadline to file responses to any such motions is October 24, 2024. Based on conferrals with Plaintiffs, and in part based on their request, Defendants respectfully seek to likewise extend those deadlines by 21 days, to October 31, November 7, and November 12 (accounting for the Veterans Day federal holiday on November 11), respectively. This extension will align these deadlines with the related proposed extension of the document production deadline discussed above.

3. Defendants' unopposed request for a limited extension is not for purposes of delay, but is rather to allow Defendants to properly complete this stage of discovery notwithstanding the productive meet-and-conferrals and agreements the parties have reached, and the significant additional resources State has devoted to this matter. As discussed in the attached Declaration of Neha Lugo, Assistant Legal Adviser for Public Diplomacy and Public Affairs at the U.S. Department of State, the government has devoted—and is continuing to devote—very significant resources to the document review during this period of expedited discovery, and the assigned attorneys and staff have been working diligently to attempt to complete review of the thousands of potentially responsive

documents gathered in response to Plaintiffs' expedited requests for production. *See* Lugo Decl. ¶¶ 4-9. In addition to the two State Department attorneys permanently assigned to this litigation, State assigned three other attorneys and a paralegal specialist to assist with the document review, on top of their full workloads. *Id.* ¶ 7. This means that five of the seven attorneys in the Office of the Assistant Legal Adviser for Public Diplomacy and Public Affairs are assisting with the document review. Ms. Lugo, a Senior Executive Service manager, also has been doing document review. *Id.* The State Department also has retained contract attorneys, at significant expense, to assist with the document review. *Id.* ¶ 8. The document review is a time-consuming process given the length and sensitivity of many of the documents. *Id.* ¶ 9. For example, there are many spreadsheets with multiple tabs and hundreds of rows, and reports that are between 50 and 100 pages long, that must be reviewed for the inclusion of any responsive information and assessment of any privileges. *Id.* Despite Defendants' best efforts, some additional time will be necessary to complete the review and produce the remaining non-privileged, responsive documents. *Id.* ¶ 10.

4. Therefore, Defendants respectfully request a 21-day extension of the production deadline and to extend related deadlines accordingly.

5. Undersigned counsel has conferred with counsel for Plaintiffs, who do not oppose this request.

Dated: September 16, 2024

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

JOSHUA E. GARDNER  
Special Counsel  
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*Counsel for Defendants*

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule 7(i), counsel for Defendants conferred with counsel for Plaintiffs regarding the relief requested in this motion. Plaintiffs do not oppose the motion.

/s/ Joshua Kolsky  
JOSHUA KOLSKY

**CERTIFICATE OF SERVICE**

On September 16, 2024, I electronically submitted this document to the clerk of court of the U.S. District Court for the Eastern District of Texas using the court's electronic case filing system. I certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Joshua Kolsky  
JOSHUA KOLSKY